IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

UNITED STATES OF AMERICA :

vs. : CRIMINAL ACTION NO. 08-0077-KD-B

CHRISTOPHER FOUNTAIN :

ORDER

After due and proper consideration of all portions of this file deemed relevant to Christopher Fountain's Motion for Leave to Appeal In Forma Pauperis (Doc. 52), the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(3) is ADOPTED as the opinion of this Court. Because Fountain has failed to file a motion in compliance with Rule 4 of the Federal Rules of Appellate Procedure, and Form 4 of the Appendix of Forms, Defendant's Motion for Leave to Appeal In Forma Pauperis (Doc. 52) is due to be and is hereby be DENIED.

DONE this 16 th day of December, 2008.

/s/ Kristi K. Dubose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE